IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

Bail Appl..No. 9 of 2007()

CMP.5052/2006 of J.M.F.C.-I,THAMARASSERY
CR no.38/06 of Thamarassery Excise Range

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: ACCUSED.

MADHAVAN NAIR, S/O.KANNARAN NAIR,
AGED 52 YEARS, THIYYAKANDI VEEDU, KEDAVUR AMSOM,
PUNOOR DESOM.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT.

STATE OF KERALA, THROUGH THE
EXCISE COMMISSIONER, THAMARASSERY EXCISE RANGE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 9 of 2007

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Dated this the 8th day of January, 2007.

ORDER

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the accused in C.R.No.38 of 2006of Thamarassery Excise Range for offences punishable under Sec. 8(1) and (2) of the Abkari Act for having been found in possession of 3 litres of illicit arrack seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail with effect from 20.1.2007 on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Thamarassery and subject to the following conditions:

1. The petitioner shall report before the

Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

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